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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

- against -

MORNINGVIEW FINANCIAL LLC, et al.,

Defendants.

22 Civ. 8142 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

On November 18, 2022, and consistent with the Court's Individual Practices, counsel for defendants, Morningview Financial LLC and Miles Riccio (together, "Morningview"), sent counsel for plaintiff, United States Securities and Exchange Commission ("SEC"), a pre-motion letter identifying alleged deficiencies in the complaint that the SEC filed in this action that would justify a motion to dismiss. (See Dkt. No. 14.) On November 23, 2022, also consistent with the Court's Individual Practices, the SEC sent a three-page letter in response, opposing the grounds that Morningview stated in favor of the proposed motion. (See Dkt. No. 16.) On December 16, 2022, the Court received a letter from Morningview requesting a pre-motion conference and asserting that the letter exchange did not resolve the dispute and thus

failed to avoid motion practice at this stage of the proceedings. (See Dkt. No. 17.)

Upon review of all pre-motion letters, the Court is unpersuaded that a pre-motion conference is necessary to resolve the parties' dispute. Within two weeks of the date of this order, the parties shall submit a proposed briefing schedule for the motion to dismiss.

SO ORDERED.

Dated: 8 March 2023
New York, New York

A handwritten signature in blue ink, appearing to read 'VM', is written above a horizontal line.

Victor Marrero
U.S.D.J.